

PLANNING BOARD AFTER ACTION REPORT

Tuesday, November 24, 2015

1:00 PM – 9:50 PM

Board: Six (6) of Seven (7) members present – Brian Elias, Jeff Feldman, Jack Johnson, Roberto Rovira, Randy Gumenick, & Regan Pace. Johnathan Beloff was absent.

Staff: Thomas Mooney, Eve Boutsis, Rogelio Madan, Tui Munday, and Alejandro Garavito

I. Administration

A. After Action Report – October 27, 2015

APPROVED - Johson / Rovira 6-0

1:11 PM

II. Requests for Continuances / Withdrawals / Other

A. **File No. 2290. SUSTAINABILITY AND RESILIENCY. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY ESTABLISHING CHAPTER 133, "SUSTAINABILITY AND RESILIENCY," BY ESTABLISHING REQUIREMENTS FOR LEED GOLD CERTIFICATION, ESTABLISHING A SUSTAINABILITY FEE PROGRAM FOR PROJECTS THAT DO NOT ACHIEVE THE REQUIRED LEED CERTIFICATION, ESTABLISHING A SUSTAINABILITY AND RESILIENCY FUND FOR THE DEPOSIT OF FUNDS GENERATED THROUGH THE SUSTAINABILITY FEE PROGRAM, AND PROVIDING THE USES FOR WHICH THE REVENUE DEPOSITED IN THE SUSTAINABILITY AND RESILIENCY FUND CAN BE USED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

CONTINUED to December 15, 2015 - Johnson / Elias 6-0

A. **File No. 2268. 1052 Ocean Drive – Congress Hotel.** The applicant, Congress Hotel on Ocean Drive, LLC, is requesting Conditional Use approval for an Outdoor Entertainment Establishment, pursuant to Section 142, Article V.

CONTINUED to January 26, 2016 - Elias / Rovira 6-0

B. **File No. 2279. 1718-1750 Alton Road – Hotel.** The applicant, Sobe Alton LLC, is requesting Conditional Use approval for the construction of a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant, pursuant to Section 118, Article IV and Section 130, Article II.

CONTINUED to December 15, 2015 - Johnson / Rovira 6-0

III. Discussion

- A. Definitions for entertainment and associated terms, including within the Sunset Harbour Neighborhood. [Time certain of 1pm or shortly thereafter.]

DISCUSSED & No action was taken.

1:30 PM

IV. Code Amendments (Filed pursuant to Chapter 118, Article III of the Land Development Regulations of the City Code.)

- A. **File No. 2298. SINGLE FAMILY HOME AMENDMENTS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," AT SECTIONS 142-105, 142-106, AND 142-108, BY AMENDING AND CLARIFYING LOT COVERAGE, UNIT SIZE, ROOF DECK, HEIGHT, SETBACK, AND COURTYARD REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

TRANSMIT THE ORDINANCE WITH THE EXCEPTION OF SECTIONS RELATED TO UNIT SIZE AND LOT COVERAGE WITH A FAVORABLE RECOMMENDATION, AND RECOMMEND THAT THE CITY COMMISSION MODIFY THE EFFECTIVENESS OF THE ORDINANCE TO THE DATE OF FIRST READING AND CONSIDER REQUIRING MINIMUM LEED CERTIFICATION FOR ALL HOMES - Elias / Pace 5-1

3:56 PM

- B. **File No. 2300-A. ALCOHOLIC BEVERAGES AND ASSOCIATE DEFINITIONS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B - LAND DEVELOPMENT REGULATIONS, CHAPTER 114 "GENERAL PROVISIONS" , AMENDING SECTION 114-1, DEFINITIONS, BY MODIFYING AND ADDING DEFINITIONS TO CLARIFY ALCOHOLIC BEVERAGE AND USE REQUIREMENTS OF THE CODE OF THE CITY OF MIAMI BEACH, PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.**

TRANSMIT TO CITY COMMISSION WITH A FAVORABLE RECOMMENDATION AS AMENDED - Johnson / Rovira 6-0

MOTION TO RECONSIDER THE PREVIOUS MOTION - Elias / Gumenick 5-1

CONTINUED to December 15, 2015 - Elias / Gumenick 5-1

6:32 PM

- C. **File No. 2300-B. CONSOLIDATION OF ALCOHOLIC BEVERAGE REGULATIONS. AN ORDINANCE THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF THE CITY OF MIAMI BEACH, TO CONSOLIDATE ALL PROVISIONS RELATING TO ALCOHOL REGULATION IN ONE CHAPTER OF THE CITY CODE BY RELOCATING CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR HOURS OF OPERATION; LOCATION AND USE RESTRICTIONS; PATRON AGE RESTRICTIONS; MINIMUM SEATS AND HOTEL ROOMS REQUIREMENTS; PROVIDING FOR NEIGHBORHOOD COMPATIBILITY REQUIREMENTS; AMENDING ARTICLE II, CONDUCT; PROVIDING DEFINITIONS; STRIKING ALCOHOL REGULATIONS RELATING TO HOURS OF**

OPERATION, MINIMUM SEAT AND HOTEL ROOMS FROM CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS," DIVISION 20 "TC NORTH BEACH TOWN CENTER DISTRICTS," AT SECTION 142-736; AND MODIFYING CHAPTER 142, ARTICLE V "SPECIAL USE REGULATIONS," AT DIVISION 4 "ALCOHOLIC BEVERAGES," BY STRIKING SECTIONS 142-1302 AND 142-1303; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

CONTINUED to December 15, 2015, SUBJECT TO AGREEMENT THAT IT WILL NOT BE CONTINUED FURTHER - Elias / Gumenick 5-1 **6:35 PM**

D. File No. 2300-C. ALCOHOLIC BEVERAGES AND ASSOCIATED USE REGULATIONS IN ALL DISTRICTS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS" DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT" DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT" DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT" DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT" DIVISION 8, "GC GOLF COURSE DISTRICT" DIVISION 9, "GU GOVERNMENT USE DISTRICT" DIVISION 10, "HD HOSPITAL DISTRICT" DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT" DIVISION 12, "MR MARINE RECREATION DISTRICT;" DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT;" DIVISION 16, "WD-1 WATERWAY DISTRICT" DIVISION 17, "WD-2 WATERWAY DISTRICT" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," TO DELINEATE ALL ALCOHOLIC BEVERAGE ESTABLISHMENTS AS RELATED MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES BY ZONING DISTRICT; MODIFYING CHAPTER 142, ARTICLE V, "SPECIALIZED USE REGULATIONS," TO DELETE DIVISION 4, AND SECTION 143-1301, ENTITLED "PERMITTED DISTRICTS;" AMENDING CHAPTER 142, DIVISION 6, "ENTERTAINMENT ESTABLISHMENTS" TO MODIFY AND CLARIFY DEFINITIONS REGULATIONS RELATING ENTERTAINMENT ESTABLISHMENTS AND NEIGHBORHOOD IMPACT ESTABLISHMENTS; BY AMENDING THE NEIGHBORHOOD IMPACT ESTABLISHMENT THRESHOLD REQUIREMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

CONTINUED to December 15, 2015 SUBJECT TO AGREEMENT THAT IT WILL NOT BE CONTINUED FURTHER - Elias / Gumenick 5-1 **6:35 PM**

E. File No. 2282. ELECTRIC VEHICLE PARKING. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS", ESTABLISHING SECTION 130-39, "ELECTRIC VEHICLE PARKING," IN ORDER TO PROVIDE MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES; BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," SECTION 130-132, "FEE CALCULATION," TO ESTABLISH AN ELECTRIC VEHICLE CHARGING STATION SURPLUS FEE AS PART OF THE FEE IN LIEU OF PROVIDING REQUIRED PARKING PROGRAM, AND SECTION 130-134, "DEPOSIT OF FUNDS; ACCOUNT," TO AUTHORIZE THE PLACEMENT OF FUNDS COLLECTED FROM THE ELECTRIC

VEHICLE CHARGING STATION SURPLUS FEE INTO AN ACCOUNT TO BE UTILIZED FOR THE PURPOSES STATED HEREIN; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

TRANSMIT THE ORDINANCE AS AMENDED WITH A FAVORABLE RECOMMENDATION

- Johnson / Elias 6-0

- F. File No. 2303. CD-2 HEIGHT REGULATIONS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," AT SECTION 142-306, "DEVELOPMENT REGULATIONS," BY INCREASING THE MAXIMUM PERMITTED HEIGHT FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD FROM 6TH STREET TO COLLINS CANAL; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.**

TRANSMIT THE ORDINANCE AS AMENDED WITH A FAVORABLE RECOMMENDATION

- Elias / Pace 5-1

7:25 PM

V. Progress Reports / Revocation/ Modification hearings

- A. File No. 2136. 4041 Collins Avenue – The Thompson Miami Beach Hotel. Progress report due to Code violations. [Previously continued from 10-9-15]**

CONTINUED to January 26, 2016 - Elias / Rovira 6-0

- B. File No. 1840. 2301-2399 Collins Avenue – The 1 Hotel. Progress report due to Code violations.**

CONTINUED to January 26, 2016 - Johnson / Elias 6-0

- C. File No. 2219. 1501 Collins Avenue – Quality Meats. Progress Report as required and previously scheduled by the Board.**

CONTINUED to January 26, 2016 - Gumenick / Rovira 6-0

1:32 PM

VI. New Applications (including associated progress reports)

- A. File No. 1898. 1100 West Avenue – Mondrian – The applicant, 1100 West Properties LLC., is requesting modification to a previously approved Neighborhood Impact Establishment Conditional Use consisting of a restaurant and bar/lounge located throughout the garden, lobby and pool deck areas. Specifically, the applicant is requesting to clarify the condition related to the maximum occupancy on the pool deck pursuant to Chapter 118, Article IV and Chapter 142, Article V of the Land Development Regulations of the City Code.**

APPROVED - Johnson / Rovira 6-0

- B. File No. 1898. 1100 West Avenue – Mondrian. Progress report required due to pending Code violations.**

RECOMMENDED THAT THERE BE AN ADDITIONAL PROGRESS REPORT on January 26,

2016 - Johnson / Pace 6-0

- C. File No. 1609. 2000 Collins Avenue** – The applicant, Park Place Development, LLC, is requesting modifications to a previously issued Conditional Use Permit. Specifically the applicant is requesting to modify a condition of the CUP in order to allow entertainment establishments on Liberty Avenue and on 21st street, pursuant to Section 118, Article IV and Section 142, Article V.

APPROVED - Johnson / Rovira 6-0

- D. File No. 2277. 2038 Collins Avenue (202-218 21st Street) – Bagatelle.** The applicant, Bagatelle Miami, LLC, is requesting Conditional Use approval for an entertainment establishment, pursuant to the requirements of the Master Conditional Use Permit for the property (PB File No. 1609) which requires that any additional entertainment establishment be reviewed by the Planning Board, regardless of occupant load, and pursuant Section 118, Article IV and Section 142, Article V. [Note: This application will first require approval of the modifications requested as part of PB File No. 1609., also part of the 11-24-15 agenda.]

CONTINUED to December 15, 2015 - Johnson / Elias 6-0

- E. File No. 2278. 237 20th Street – Sweet Liberty.** The applicant, Sweet Liberty Brothers, LLC, is requesting Conditional Use approval for an entertainment establishment including frontage on Liberty Avenue, pursuant to the requirements of the Master Conditional Use Permit for the property (PB File No. 1609) which requires that any additional entertainment establishment be reviewed by the Planning Board, regardless of occupant load, and pursuant Section 118, Article IV and Section 142, Article V. [Note: This application will first require approval of the modifications requested as part of PB File No. 1609., also part of the 11-24-15 agenda.]

APPROVED - Elias / Gumenick 6-0

VII. NEXT MEETING DATE REMINDER:

Tuesday, December 15, 2015 @ 1:00 pm

VIII. Adjournment

Planning Board members: Please mark your calendars and inform staff if you have a schedule conflict. Remember to save the plans and backup materials from items that were continued or deferred; the Planning Department does not have any additional copies.

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Planning Board c/o the Planning Department, 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139.

Pursuant to Florida Stat. 286.0105, the City hereby advises the public that; if a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or its hearing, they must insure that a verbatim record of the proceedings is made, which record include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE BOARD'S ADMINISTRATOR NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 673-7550 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE), FOR ASSISTANCE.

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